IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2550 OF 2005

Employees State Insurance
Corporation, Pune ...Appellant

Vs.

M/s.Ronak Pavbhaji & Fruit Juice ...Respondent

Mr.H.V.Mehta for the Appellant
Mr.S.G.Deshmukh for the Respondent.

CORAM: A.S.OKA, J.
DATED: APRIL 26,2006.

P.C.:

1. Heard the learned Advocates for the parties. The challenge in this Appeal is to the Judgment and order dated 29th August 2005 passed by the learned Judge of the Employees' State Insurance Court, Pune in an application made under section 75 of the Employees' State Insurance Act, 1948 (hereinafter referred to as the said Act) filed by the Respondents for challenging the order passed under section 45-A of the said Act.

2. The contention of the Appellant is that the report of the inspection discloses that at the relevant time the Respondent which is running a Pav Bhaji stall had employed 13 persons. The learned Advocate for the Appellant has taken me through the copies of the various documents on the record of E.S.I. Court and the notes of evidence.

3. The learned Judge of the E.S.I. Court has disbelieved the case of the Appellant. The learned Judge after considering the evidence of Dhanaraj Harale, E.S.I. Inspector has disbelieved the version of the said Inspector that there were 13 employees on the relevant date when he allegedly inspected the premises. The learned Judge has noticed that the said Dhanaraj accepted in his cross examination that though he noticed that 13 workers were working in the premises of the Respondent, he has not obtained signatures of the workers. He has stated that he has obtained the signature of the Proprietor of the Respondent on the next day of the visit. After considering the oral and documentary evidence on record, the learned Judge has accepted the case made out by the Respondent that it had never employed more than eight persons.

4. In view of the findings of fact recorded by the Trial Court, no substantial question of law arises. Appeal is dismissed with no order as to costs.

Judge.